

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – M.A.&U.D. Department - Allegation of corruption in execution of a civil work pertaining to construction of 928 houses Units) in 29 block in G+3 patterns in Survey No.21 at Paradesipalem under JNNURM Scheme in GVMC., Visakhapatnam City by the Engineering Officials of GVMC, Visakhapatnam in collusion with the Contractor – Certain irregularities committed by Sri Katam Samson Raju, the then Executive Engineer - Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Article of Charges - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 616

Dated: 23-09-2019.

Read:-

G.O.Rt.No.611, M.A. & U.D. (Vig.I) Dept., dated: 23.09.2019.

ORDER:

It is proposed to hold an inquiry against the said Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is directed to submit his written statement of his defense within (10) days from the date of receipt of this order.

4. Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that above Sri Katam Samson Raju, the then Executive Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To

Sri Katam Samson Raju, the then Executive Engineer, Greater
Visakhapatnam Municipal Corporation, Visakhapatnam **(Through the
Engineer-in-Chief, Public Health, A.P., Guntur).**

(PTO)

..2..

The Engineer-in-Chief, Public Health, A.P., Guntur.

Copy to:

The Commissioner, GVMC., Visakhapatnam.

The Director General, Anti Corruption Bureau, AP, Vijayawada

The Secretary to A.P.Vigilance Commission, 5th Building, A.P. Secretariat.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-I to G.O.Rt.No. 616 , M.A. & U.D.(Vig.I)
Dated: 23.09.2019.

Statement of Articles of Charges framed against Sri Katam Samson Raju, S/o. Sampada Rao, the then Executive Engineer, GVMC., Visakhapatnam

That Sri Katam Samson Raju, S/o. late Sampada Rao joined in Government service on 17.03.1989 as Assistant Executive Engineer and worked as Dy., EE from 19.11.2007 to 23.04.2009 and he was promoted as Executive Engineer and worked at GVMC, Visakhapatnam from 23.04.2009 to September, 2014 while working as EE in GVMC, Visakhapatnam, he has committed grave misconduct in as much as.

Charge -1

That Sri Katam Samson Raju while working as Executive Engineer, GVMC, Visakhapatnam failed to instruct his subordinate officials regarding submission of revised estimate in order to accord revised technical sanction duly superseding the earlier technical sanction.

Charge-2

That Sri Katam Samson Raju while working as Executive Engineer, GVMC, Visakhapatnam since 23.04.2009 released security deposit to the contractor without completion of work contrary to clause 25 of G.O.Ms.No.94, dt:01.07.2003 in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

Charge-3

That Sri Katam Samson Raju while working as Executive Engineer, GVMC, Visakhapatnam since 23.04.2009 failed to issue necessary directions to his subordinate officials in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Thus, Sri Katam Samson Raju, S/o. late Sampada Rao, Executive Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened rules 3 (1), (2) & (5) of A.P.Civil Services (Conduct) Rules, 1964.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-II to G.O.Rt.No.616 M.A. & U.D.(Vig.I)

Dated: 23.09.2019.

Statement of Imputation of Charges framed against Sri Katam Samson Raju, S/o. Sampada Rao, the then Executive Engineer, GVMC., Visakhapatnam

That Sri Katam Samson Raju, S/o. late Sampada Rao is native of Vijayawada, Krishna District. His date of birth is 10.02.1963 and he joined in government services on 17.03.1989 as Assistant Executive Engineer and worked as such Public Health Subdivision-III, Visakhapatnam till 31.08.1990, from 01.09.1990 to 07.09.1995 worked as Public Health Division (Projects), Visakhapatnam, from 08.09.1995 to 04.09.2002 worked as such in PH Sub-Division-1, Visakhapatnam from on 05.09.2002 he promoted as Deputy Executive Engineer and worked in PH Sub Division – III, Visakhapatnam till 18.11.2007, from 19.11.2007 to 23.04.2009 worked in GVMC, Visakhapatnam. On 23.04.2009, he has promoted as Executive Engineer and working in GVMC, Visakhapatnam till September 2014. He is drawing a basic pay of Rs.37,600/-. He is due to retire on attaining the age of superannuation on 28.02.2023. He is here-in-after referred-to-as Government servant.

A Regular Enquiry was conducted into the allegations of irregularities and corruption in execution of construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 in Paradesipalem under Jawaharlal Nehru National Urban Renewal Mission (JNNURM) scheme in GVMC, Visakhapatnam against Engineering officials of GVMC, Visakhapatnam. Basing on the Regular Enquiry report dtd.05.08.2014 of DSP ACB., Visakhapatnam Range requested to accord permission to register a regular case others, the DG, ACB, AP, Hyderabad vide memo in C.No.11/RE-WVP/2014, dtd.08.08.2014, permitted the DSP,ACB, Visakhapatnam, who registered a case in Cr.No.21/ACB-VSP/2014 U/s 409, 120-B IPC r/w 109 IPC and Sec. 13 (1) (c) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 of ACB Visakhapatnam Range on 08.08.2014 and took up investigation.

Charge -1

That the Government servant failed to instruct his subordinate officials regarding submission of revised estimate in order to accord revised technical sanction duly superseding the earlier technical sanction.

During the course of investigation, on perusal of seized files / registers, it is found that the Government have accorded Revised Administrative Sanction vide G.O.Rt.No.232, MA dt.11.02.2009, duly revising the cost of dwelling unit to Rs.1,65,000/- and Rs.1,81,000/- in two cases and Rs.1,65,000/- in this case as against to initial cost of Rs. 1.39 lakhs. No Revised Technical sanction was accorded duly superseding the earlier technical sanction in sheet No.1 of file No.6 and the same was brought on record.

Thus in a nutshell the following are the lapses at the start of the work: 1) By not revising the Technical Sanction in two occasions i.e. a) at the first instance during the change of site and b) during the revised cost of dwelling unit in sheet No.22 of file No.2 and the same was brought on record, 2) By giving the agency about 5 months time from the date of LOA for entering into agreement in contrary to the provisions of contract at 29.3 i.e., 7 days and allowing the same to go ahead with the work and 3) By not establishing the urgency of the work in the file for allowing the agency to go ahead with the work even though almost 5 months time was available for them for carrying out these activities.

Thus, the Government Servant had failed to instruct his subordinate officials regarding submission of revised estimate in order to accord revised technical sanction duly superseding the earlier technical sanction in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

(PTO)

Charge-2:

That the Government servant recommended for release of the security deposit to the contractor without completion of work contrary to clause 25 of G.O.Ms.No.94, dt:01.07.2003 in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

During the course of investigation, on perusal of seized files / registers, it is found that the Government Servant had recommended for release of security deposit without completion of work i.e., providing syntax water tanks were not executed at all by the agency. On 06.07.2015 during joint inspection conducted by the DSP and Sri Durga Prasad, Chief Engineer and Sri M. Venkata Rao, Asst., Executive Engineer of GVMC, Visakhapatnam of the construction of 928 houses at Paradesipalem in Sy.No.21 by the DSP, ACB, Chief Engineer, it is found that the work i.e., the Sintax water tanks which were not installed by the contractor Sri K.V. Mohana Rao who took up construction. It is contradictory to the recording in page No.85 of MB 1561/08-09 and to the noting in page No.31 of note file 2 in which the completion date was recorded on 29.05.2010 and 31.03.2010 respectively with the total value of work done for Rs.15,31,19,958/- to the fullest sanctioned amount vide sheet No. 22 of file No.2 and the same was brought on record. The security deposit of Rs. 1,10,70,806/- were released on 27.07.2013 without completion of the work, the defect liability period of 2 years does not arise and is contrary to the clause 25 of G.O.Ms.No.94/I&CAD(PW-COD) Department, dt.01.07.2003.

Thus, the Government Servant had recommended for release of the security deposit to the contractor without completion of work contrary to clause 25 of GO Ms No.94 dt. 01.07.2003 in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Charge-3:

That the Government servant failed to issue necessary directions to his subordinate officials in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

That the Government Servant failed to instruct his subordinate officials regarding submission of revised estimate in order to accord revised technical sanction duly superseding the earlier technical sanction. He initiated proposals for release of security deposit to the contractor without completion of work contrary to clause 25 of G.O.Ms.No.94, dt:01.07.2003. Thus he failed to issue necessary directions to his subordinate officials for initiating proposals for revised technical sanction superseding the earlier technical sanction and not to release the security deposit to the contractor without completion of work, in constructions of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with his subordinate engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Therefore, the Government Servant Sri Katam Samson Raju, S/o. late Sampada Rao, Executive Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rules 3 (1), (2) & (5) of A.P. Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-III to G.O.Rt.No. 616 , M.A. & U.D.(Vig.I)

Dated: 23.09.2019.

List of Witnesses For Charge-1

- 1) Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC., Visakhapatnam. He speaks about the contents of letter dtd.12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd.06.07.2015 etc facts.
- 2) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd.Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts.
- 3) Sri M.Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.
- 4) Sri K.V.Ramakrishna Prasad, Dy. Supdt. of Police, ACB., Visakhapatnam Range.

List of Witnesses For Charge-2

- 1) Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC., Visakhapatnam. He speaks about the contents of letter dtd.12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd.06.07.2015 etc facts.
- 2) Sri M.Venkata Rao, Asst., Executive Engineer of GVMC, Visakhapatnam. He speaks about the contents of Joint Inspection report dt:06.07.2015 at 928 houses at Paradesipalem etc., facts.
- 3) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd.Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts.
- 4) Sri M.Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.
- 5) Sri K.V.Ramakrishna Prasad, Dy. Supdt. of Police, ACB., Visakhapatnam Range.

List of witnesses for charge-3:

- 1) Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC., Visakhapatnam. He speaks about the contents of letter dtd.12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd.06.07.2015 etc facts.
- 2) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd.Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts.
- 3) Sri M.Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.
- 4) Sri K.V.Ramakrishna Prasad, Dy. Supdt. of Police, ACB., Visakhapatnam Range.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-IV to G.O.Rt.No. 616 M.A. & U.D.(Vig.I)

Dated: 23.09.2019.

List of Documents For Charge-1

1. F.I.R. copy in Cr.No.21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.
2. Letter in C.No.11/RE-WVP/Engg.Wing/2014, dtd.05.08.2014 of Sri M.Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB., AR, Hyderabad containing 10 sheets.
3. Letter dtd.12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC., Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms No.94, dt.16.04.2008 r/w GO No.35, dtd.21.03.2009 - 07 sheets.
5. Sheet No.1 of file No.6 - A file relating to the estimate, date sheet, deviation statement in respect of construction of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 49 sheets.
6. Sheet No. 22 in File No. 2 - A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
7. Page No.34 to 37 of M.Book No.1557/08-09.
8. If any documents are required at the time of enquiry to be submitted.

List of Witnesses For Charge-2

1. F.I.R. copy in Cr.No.21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.
2. Letter in C.No.11/RE-WVP/Engg.Wing/2014, dtd.05.08.2014 of Sri M.Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB., AP., Hyderabad containing 10 sheets.
3. Letter dtd.12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC., Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms No.94, dt.16.04.2008 r/w GO No.35, dtd.21.03.2009 - 07 sheets.
5. Page No.85 of Measurement Book No.1561/08-09.
6. Clause 25 of G.O.Ms.No.94/I&CAD\ (PW-COD) Department, dt.01.07.2003.
7. Joint Inspection Report dt: 06.07.2015 at construction of 928 houses in Sy.No.21 at Paradesipalem by the DSP, ACB, Chief Engineer and Asst., EE of GVMC, Visakhapatnam.
8. Sheet No.22 & 31 in File.No.2 - A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
9. If any documents are required at the time of enquiry to be submitted.

List of Documents For Charge-3

1. F.I.R. copy in Cr.No.21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.

(PTO)

..2..

2. Letter in C.No.11/RE-WVP/Engg.Wing/2014,dtd.05.08.2014 of Sri M.Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB., AP., Hyderabad containing 10 sheets.
3. Letter dtd.12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhushana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms No.94, dt.16.04.2008 r/w GO No.35, dtd.21.03.2019 – 07 sheets.
5. Sheet No.7 of file No.7 – Current file relating to the construction of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 55 sheets.
6. Sheet Nos. 1, 14 & 15 of file No.3 – Bid document / tender document containing 1 to 131 sheets.
7. Clause 29.3 of Bid document.
8. Sheet No.4 & 13 of file No.5 – copy of Agreement (spiral book) consisting a copy of original work order containing 1 to 119 sheets.
9. Sheet No.1 of file No.6 – A file relating to the estimate, date sheet, deviation statement in respect of constructions of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 49 sheets.
10. Sheet No.49 of file no.8 – Note file relating to AP Lokayukta and AP High Court in respect of the constructions of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 79 sheets.
11. Sheet No.1,26&22/31 in File No.2 – A note file consisting of payment details copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
12. Page No.85 of Measurement Book No. 1561/08-09.
13. Clause 25 of G.O.Ms.No.94/I&CAD(PW-COD) Department, dt. 01.07.2003.
14. Joint inspection report dtd. 06.07.2015 at construction of 928 houses at Paradesipalem in Sy.No.21 by the DSP, ACB, Chief Engineer and Asst. Executive Engineer of GVMC, Visakhapatnam – 1 sheet.
15. If any documents are required at the time of enquiry to be submitted.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER